

### **Remarks**

In the application, claims 1 through 3 and 7 through 9 are currently pending. No claims have been allowed.

The non-final Office Action dated September 19, 2008, has been carefully considered. Claims 1 through 9 are rejected under 35 U.S.C. § 103(a) as obvious in light of U.S. Patents 6,804,219 (“Koo”), 6,529,497 (“Hjelm”), and 6,229,795 (“Pankaj”). Claims 13 and 14 are rejected as obvious in light of Koo, Hjelm, Pankaj, and U.S. Patent Publication 2002/0082033 (“Lohtia”).

### **Amendments to the Claims**

The subject matter of claim 13 is added to claim 1, and claim 13 is cancelled.

The subject matter of claim 14 is added to claim 7, and claim 14 is cancelled.

Claims 4 through 6 are cancelled.

No new matter is introduced by these amendments.

### **The § 103(a) Rejections**

Hjelm and the presently pending claims are both directed toward keeping a data channel open even after all available data have been sent. The channel is kept open for a while to avoid suffering a delay in re-opening the channel if more data become available to send. In both Hjelm and the presently pending claims, the data channel is kept open in the absence of more data to send for the duration of a timer period.

The presently pending independent claims 1 and 7, as currently amended to include the subject matter of former claims 13 and 14, respectively, discuss a particular method for keeping that data channel open: “Dummy” data are sent. The Office Action cites Lohtia as teaching this aspect of the present invention.

The Applicants thank the Examiner for explaining that Lohtia’s priority date is based on U.S. Provisional Patent Application 60/257,788. While the Applicants do not have access to that

provisional patent application, they accept the Examiner's statement that Lohtia's provisional includes the subject matter relied upon in the rejection and that, therefore, Lohtia is valid prior art under 35 U.S.C. § 103(a).

However, the Applicants respectfully submit that Lohtia does not teach the following element of claims 1 and 7, as currently amended:

*delaying termination* of the TBF by transmitting *dummy data* over the wireless data channel.

(Emphasis added. Quoted from claim 1; claim 7 has a similar element.)

The portion of Lohtia cited against this element (paragraphs [0028] through [0029]) describes how, when there are no more data to transmit, the TBF is released after a final message exchange (PACKET UPLINK ACK/NACK followed by a PACKET CONTROL ACKNOWLEDGEMENT). But this is very different from the claim language quoted above. First, Lohtia's message exchange does not constitute *dummy data* because these message actually mean something, in particular they mean that the TBF is being released. Second, Lohtia's messages do not *delay termination* of the TBF, in fact Lohtia's messages actually enable that termination.

Because Lohtia does not teach transmitting dummy data to keep the TBF open, independent claims 1 and 7 are patentable over Lohtia and over the other cited art. The pending dependent claims include by reference all of the limitations of their antecedent independent claims and so are patentable for at least the same reasons as given above.

### Conclusion

This application is considered to be in good and proper form for allowance, and the Applicants request that the Examiner pass this application on to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of this application, the Examiner is invited to call the Applicants' representative at the number given below.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

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